

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under G.O.Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Megistarte, Adilabad District vide Procgs.Rc.No.C3/2596/2019-55, dt.31.01.2020 - Appeal filed by Rathod Usha D/o Premsingh R/o Chichdari Khanapur village of Adilabad Rural Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 42

Dated: 22-12-2020

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procgs.Rc.No.C3/2596/2019-55, dt.31.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Rathod Usha D/o Premsingh R/o Chichdari Khanapur village of Adilabad Rural Mandal of Adilabad District, dated 21.02.2020.
4. Govt.Memo.No.330/TW.LTR/2020, dated 08.06.2020 & 31.08.2020.
5. Lr.Rc.No.D5/309/2018, dated:31.08.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Note received from the Hon'ble M(STW), C.No.220/N/M(STW&CW)/2020, Dt.21.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has cancelled Agency Area Local ST Certificate bearing Rc.No.D/392/2014, dt.06.02.2014 issued by the Tahsildar Adilabad Rural Mandal to Rathod Usha D/o Premsingh R/o Chichdari Khanapur village of Adilabad Rural Mandal of Adilabad District, basing on the following findings of the Scrutiny Committee:

- The Tahsildar, Adilabad Rural has not issued any Agency Area Certificate.
- Verified Fasli 1357, Wasool Baqui 1950, Sethwar 1952 (No cultivation particulars shown).
- Khasra Pahani 1954-55 found that Sy.No.13 is Govt.land situated at Harkapur village of Indervelly Mandal and Sri Kishan S/o Ramsingh is seen as cultivator.
- There is no relationship between Sri Kishan S/o Ramsingh and that of Sri Surya S/o Ramsingh. No document has been furnished with regard to Surya and Ramsingh to link the relationship.
- Most habitants of Chichdhari Khanapur village which is also an old village inhabited mainly by Gonds, Kolams and some SCs in the village since 1950s.

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- By looking at the 1954-55 Khasra pahani, it is clear that the pattedar was a Jagirdar who is a Muslim & absentee landlord and other pattedars all belong to Gonds/Kolam community.
- By this, it is clear that the migration of the Banjara/Lambada community started from around 1964-65 from different villages to Chichdari.
- Candidate in question has also clearly produced records of her grandfather Mansingh only from 1967-68. On verification of the documents produced by the applicant, the candidate has failed to prove the continuous residence in agency area prior to 1950.
- To prove that her grandfather migrated from Harkapur of Indervelly Mandal, she has produced land records in the name of one Sri Kishan, but her great grandfather is Surya. Hence, there is no direct documentary evidence to prove that her forefathers resided in agency area before 1967-68.
- There is big gap from 1954 to 1967 (13 years) – the candidate has not furnished any documents to fill this gap period.
- The contention of the candidate is that Sri Surya S/o Ramsingh and Sri Kishan are brothers. But the candidate has failed to establish that Sri Surya S/o Ramsingh and Kishan are brothers. No documentary evidence has been produced to establish this relationship between Ramsingh and Kishan.
- No residence proof has been submitted by the candidate from 1995 to till date.
- Thus, it is clear that the family of the applicant has migrated to this village of Chichdari and are not original residents of it.
- The Scrutiny Committee with the above observations has finally concluded that Rathod Usha D/o Premsingh R/o Ch.Khanapur village of Adilabad Rural Mandal of Adilabad District has failed to produce sufficient evidences to prove her continuous residence in Agency Area since 26.01.1950 to till date as required under G.O. Ms.No.24, TW (LTR.1) Department, dt.12.6.2018.
- A show cause notice was issued to Rathod Usha D/o Premsingh to attend before the Dist. Collector, Adilabad on 31.01.2020 to prove her claim as Local ST with relevant material/documents.
- Accordingly, the candidate Rathod Usha has attended before the Dist. Collector, Adilabad on 31.01.2020 and submitted her reply in writing to show cause Notice No.C3/2596/2019-55, dt.13.01.2020 stating that the villagers have given statement before the Revenue Inspector that Sri Surya S/o Ramsingh and Sri Kishan S/o Ramsingh are brothers. Oral depositions are unacceptable as evidences, thus she has failed to produce any other authorized documents to prove that Sri Surya S/o Ramsingh and Kishan S/o Ramsingh are brothers.
- It is clear that her grandfather migrated to Chichdari Khanapur only in the year 1967-68, the candidate has not produced any other documentary evidence to prove residence in Agency Area of her family forefathers since 1950, so the observations of the scrutiny committee are found valid, and declared that Rathod Usha

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D/o Premsingh R/o Ch.Khanapur village of Adilabad Rural Mandal of Adilabad District is not a local ST in agency area as per definition of GO Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018.

3. Aggrieved by the above cancellation orders of the Collector & District Megistarte, Adilabad District, the Appellant Rathod Usha D/o Premsingh R/o Ch.Khanapur village of Adilabad Rural Mandal of Adilabad District vide ref. 3rd read above, has filed an Appeal before the Government. The contentions of Rathod Usha D/o Premsingh and the documents submitted along with the Appeal and during hearing on 05.09.2020 are as follows:

- Selected for the post of TRT (Teacher) under Area Agency local ST.
- As per orders in WP No.31426 of 2018 dated 05.09.2018 and also orders in WP No.32413/2018 dated 14.09.2018, provisional selection has been referred to the Scrutiny Committee headed by PO ITDA Utnoor with directions to conduct enquiry as per procedure laid down in GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018.
- Accordingly, Scrutiny Committee headed by the Project Officer, ITDA, Utnoor conducted scrutiny and gave findings that the appellant failed to produce evidentiary material and declared that she is not a local ST of agency area which were confirmed by the Dist. Collector, Adilabad.
- The appellant submitted that the orders of declaring her as not a local ST of Agency Area is improper, illegal and contrary to law and rules under operations under existing guidelines issued by the Commissioner (TW) in circular Memo.Rc.No.231/2014/TRI/VC-B, dated 25.02.2015 and the operative portion of para-3 (iii) of above guidelines issued under GO Ms.No.3, SW (TW.Edn.II) Dept. dt.10.01.2000, "issuance of Local ST Candidate Certificate become necessary for the local STs to establish bonafides of their residence in the Scheduled Area since 26.1.1950 and thereby certain guidelines were issued by the Commissioner of TW AP Hyderabad through Circular Memo.Rc.No.950/2011/TRI/VC-7, dated 07.07.2011 that the claimant shall produce the following documentary evidences to prove the residence i.e. a) Birth and Death Register prior to 1950; b) Electoral roll prior to 1950; c) Sale deed documents for agriculture prior to 1950 etc. d) School records and e) any other acceptable documents as evidence.
- After ascertaining the facts with circumstances as laid down under Circular Memo.dt.25.2.2015, the Tahsildar, Adilabad after due scrutiny , verification of Family Tree of Rathod Ramsingh who is having two sons viz., Surya and Kishan, has issued local ST certificate bearing Rc.No.D/292/2014, dt.6.2.2014.
- As per Family Tree – Rathod Ramsingh has two sons 1) Surya and 2) Kishan. Surya has only one son i.e. Mansingh. Mansingh has four sons 1) Devsingh 2) Hari 3) Shankar and 4) Premsingh. Premsingh has four legal heirs viz., 1) Rajnikanth 2) Srikanth 3) Laxmikanth and 4) Usha (appellant herein).
- As per Wasool Baqui of Harkapur village of Indervelly Mandal, Kishan was shown as owner and cultivator of land in Sy.No.13 Poramboke to an extent of 14.00 acres situated at Harkapur village of Indervelly Mandal.

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- Supplementary Sethwar, Survey and Settlement Ryotwari and Land Record of village Heerapur for the years 1952, 1954-55 to 1960-61 and basing on the panchanama conducted in the presence of witnesses viz., 1) Rathod Gangaram S/o Ravuji 2) Ade Harinayak S/o Redya and 3) Ade Jalamsingh S/o. Lakya, the Tahsildar, Indervelly issued Migration Certificate vide Rc.No.C/60/2019, dt.6.2.2019 that the parents of the appellant were resided at Harkapur village and grandfather's name was enrolled in 1948 Pahani, 1954-55 Khasra pahani i.e. in favour of Kishan S/o Ramsingh who is brother of Surya, then after parents of appellant were migrated from Harkapur village of Indervelly Mandal to Chichdhari-Khanapur village of Adilabad-Rural Mandal in the year 1963.
- As verified records/pahani for the year 1948 and 1954-55 and as per statements of village elders and as per voter list shown in Sl.No.132 which mentioned name of Rathod Mansingh, who is grandfather of appellant as per family tree as mentioned, basing on the opinion given by the Scrutiny Committee without conducting any discrete enquiry, the learned Dist. Collector arrived at the decision and cancelled the local ST certificate and declared the appellant as not a local ST as per defined in GO Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018.
- The evidences i.e. Vasool Baqui Register extract of Heerapur village for the year 1950, Namuna No.4 Takhta Choufsal of Tarnam village: Harkapur for the year 1357 Fasli, Supplementary Sethwar of Harkapur village for the year 1952 and for the year 1954-55 to 1960-61 stands in the name of Kishan S/o Ramji and Migration Certificate issued by the Tahsildar, Indervelly on 6.2.2019 certified that Kishan S/o Ramsingh is the brother of Surya S/o Ramsingh and subsequently parents of appellant migrated from Harkapur village of Indervelly Mandal to Chichdhari Khanapur village of Adilabad Rural Mandal during 1963- were glossed over by the Scrutiny Committee and as well as the Dist. Collector, Adilabad.

Documents submitted along with the Appeal and during hearing on 05.09.2020:

- Family Tree duly Notarized – Rathod Ramsingh is great great grandfather of the appellant Rathod Usha. He has two sons viz., 1) Rathod Surya (great grandfather of appellant) and 2) Rathod Kishan. Rathod Surya has one son viz., Rathod Mansingh (grandfather of appellant). Rathod Mansingh has four sons viz., 1) Devsingh 2) Hari 3) Shankar and 4) Premsingh (father of appellant). Father of appellant i.e. Rathod Premsingh has 3 sons and 1 daughter namely 1) Rajnikanth (son) 2) Srikanth (son) 3) Laxmikanth (son) and 4) Usha (daughter and appellant herein).
- As per Namuna No.4 – Takhta Choufasla of village: Harkapur – Taluq: Utnoor – for the year 1357 Fasli (1947 year) – name of Sri Kishan S/o Ramsingh (younger brother of great grandfather of appellant Rathod Surya) is shown in Sy.No.13 Poramboke for an extent of acs.14.00. Kishan is brother of great grandfather of appellant Surya.
- Haal Dakhla for the year 1950 true copy certified by Inspector, Dist. Survey and Land Records Office, Adilabad – name of Kishan
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S/o Ramsingh (younger brother of great grandfather of appellant Rathod Surya) is found.

- Copy of Shetwar of Harkapur village for the year 1952 – true copy certified by Inspector, Dist. Survey and Land Records Office, Adilabad – Sy.No.13 recorded as Sarkari land – name of Khatedar as Sivaijamedar.
- Pahani from 1954-55 to 1960-61 copy certified by Dy.Tahsildar, Indervelly – Harkapur sivar, Indervelly Mandal – shows name of Kishan S/o Ramsingh (younger brother of great grandfather of appellant Rathod Surya) for an extent of acs.11.05.
- Pahani for the year 1967-68 – Chichdari village – Adilabad (Rural) Mandal – shows name of Mansingh (grandfather of appellant) for an extent of acs.5.00.
- Pahani for the year 1969-70 – Chichdari village – shows name of Mansingh (grandfather of appellant) for an extent of acs.5.00.
- Pahani for the year 1970-71 – Chichdari village – Adilabad (Rural) Mandal – shows name of Mansingh (grandfather of appellant) for an extent of acs.5.00.
- Pahani for the year 1971-72 – Chichdari village – Adilabad (Rural) Mandal – shows name of Mansingh S/o Surya (grandfather of appellant) at Sl.No.48.
- Pahani for the year 1973-74 – Chichdari village – Adilabad (Rural) Mandal – shows name of Mansingh S/o Surya (grandfather of appellant) at Sl.No.46.
- Pahani for the year 1981-82 – Maregaon village – Adilabad (Rural) Mandal – shows name of Mansingh S/o Surya (grandfather of appellant) in Sy.No.1/6 under Khata No.46 for an extent of acs.5.00.
- Pahani for the year 1982-83 – Maregaon village – Adilabad (Rural) Mandal – shows name of Mansingh S/o Surya (grandfather of appellant) in Sy.No.1/B under Khata No.46 for an extent of acs.5.00.
- Pahani for the year 1988-89 – Maregaon village – Adilabad (Rural) Mandal – shows name of Mansingh S/o Surya (grandfather of appellant) in Sy.No.1/B for an extent of acs.5.00.
- Pahani for the year 1994-95 – Adilabad (Rural) Mandal – shows name of Mansingh S/o Surya (grandfather of appellant) in Sy.No.1/67 for an extent of acs.5.00.
- Voter list for the year 1977 – 242 Assembly Constituency - shows name of Mansingh S/o Surya (grandfather of appellant) at Sl.No.132 and Changilibai W/o Mansingh (grandmother of appellant) at Sl.No.133 under H.No.1-93/13.
- EPIC issued by Voter Registration Officer, 7 Adilabad Assembly Constituency to Sri Rathod Premsingh S/o Mansingh – Date of Birth - 1968 – Address: 1-138/1, Chich Dhari, SC Guda, Adilabad (Mandal), Adilabad.

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- Copy of letter Rc.No.C/60/2019, dt.06.02.2019 of Tahsildar, Indervelly addressed to the Tahsildar, Adilabad – wherein the Tahsildar, Indervelly has reported that the Village Revenue Officer, Harkapur has conducted local enquiry and taken statement of village elders – the VRO reported that the parents of applicant Rathod Usha resided at Harkapur village and her grandfather name was enrolled in 1948 pahani, 1954-55 Khasra pahani namely Kishan S/o Ramsingh who is brother of Surya S/o Ramsingh, then after her parents migrated from Harkapur village of Indervelly Mandal to Chichdhari Khanapur village of Adilabad Rural Mandal in the year 1963. Accordingly, the Tahsildar, Indervelly along the report also sent therewith attested copy of pahani for the year 1948 and 1954-55 pahani, village elders statement for reference.
- Copy of Caste Certificate bearing No.A6/490/85, dt.23.1.1985 issued by Tahsildar, Adilabad – wherein it was certified that on the basis of the certification made by the Revenue Inspector, Jainath, Sri R.Prem Singh S/o Mansingh R/o Khanapur vg belongs to ST sub-caste Lambada at Sl.No.8.

Copy of certificate of proof of Local ST certificate bearing Rc.No.D/392/2014, dt.06.02.2014 issued by Tahsildar, Adilabad – wherein it was certified that Rathod Usha D/o Prem Singh R/o Chichdhari Khanapur – DoB 17.06.1992 – her forefather resided prior to 1950 to 1963 at Harkapur village of Mandal Indervelly and presently residing at Chichdhari Khanapur of Adilabad Mandal from 1964 to till date and belonging to ST Lambada – the village Chichdhari Khanapur falls within the scheduled area.

- Copy of GP Harkapur thanda of Indervelly Mandal dt.20.02.2020 – wherein it was confirmed that Rathod Ramsingh and his sons viz., Surya and Kishan lived in the village from 1940 – after the death of Surya, his son Mansingh migrated to Chichdhari Khanapur village in the year 1963 and residing till now.
- Copy of GP Chichdhari and PESA Gram Sabha Chichdhari resolution dt.01.09.2020 – wherein it was confirmed that grandfather of Rathod Usha namely Rathod Mansingh lived in Harkapur village of Indervelly Mandal from 1950 to 1963, after the death of father of grandfather namely Surya, grandfather Mansingh migrated to Chichdhari Khanapur village of Adilabad in the year 1963 and living till now.
- PESA GP Harkapur Thanda Resolution – wherein it was resolved that great grandfather of the appellant Rathod Usha namely Rathod Surya S/o Ramsingh lived in Harkapur village of Indervelly from 1950 till his death. Rathod Kishan is younger brother of Rathod Surya (great grandfather of appellant). After demise of Rathod Surya, his son Rathod Mansingh (i.e. grandfather of appellant) migrated to Chichdhari Khanapur village of Adilabad Mandal. As per 1357 Fasli and Khasra 1954-55, name of brother of great grandfather of appellant namely Kishan was recorded.

4. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.

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5. Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted connected documents of the case along with para-wise remarks.

6. Accordingly, vide reference 6th read above, the Appellant has attended for hearing on 05.09.2020 at 11.00 AM before the Government and submitted the documents as submitted along with appeal Petition.

7. The above documentary evidences, it is established that the forefathers of the appellant lived from before 1950 to 1963 in Harkapur village of Indervelly Mandal (which is an agency village in Adilabad District) and later grandfather of appellant viz., Rathod Mansingh migrated to Chichdari Khanapur village of Adilabad (Rural) Mandal of Adilabad District (which is also an agency village in Adilabad District)

8. Government after careful examination of the documents available on record sent by the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the appellant Rathod Usha D/o Premsingh and her fore-fathers are the continuous residents of Agency villages i.e. Harkapur village of Indervelly Mandal and Chichdhari Khanapur village of Adilabad (Rural) Mandal from 26.1.1950 and the LSTAC issued by the Tahsildar, Adilabad Mandal bearing Rc.No.D/392/2014, dt.06.02.2014 is valid.

9. Accordingly, Government hereby set aside orders of the District Collector, Adilabad in Procs.Rc.No.C3/2596/2019-55, dated 31.01.2020, and allow the Appeal Petition filed by Rathod Usha D/o Premsingh R/o Chichdari Khanapur of Adilabad Rural Mandal of Adilabad District, treating the LSTAC issued by the Tahsildar, Adilabad bearing Rc.No.D/392/2014, dt.06.02.2014 as valid.

10. The Collector & District Megistarte, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTU
SECRETARY TO GOVERNMENT**

To

The Collector & District Megistarte, Adilabad District.
Rathod Usha D/o. Premsingh, R/o. Chichdari Khanapur,
Adilabad Rural Mandal, Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER